

Baucus-Tester-Collins-Leahy amendment to strip the references to the problematic REAL ID program from the underlying immigration bill. We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for prime time.

While the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation, REAL ID licenses are rapidly becoming a de facto national ID card, since you will need one to enter courthouses, airports, Federal buildings, and—if this bill passes—workplaces all across the country. With roughly 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill. Moreover, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

In addition to numerous privacy and civil liberties concerns, REAL ID is a massive drivers' tax that could cost Americans taxpayers more than \$23 billion. Opposition spans the political spectrum, from the right to the left, and a large number of States have expressed concerns about the mandates of the REAL ID Act by enacting bills and resolutions that oppose REAL ID. Georgia, Washington, Oklahoma, Montana, South Carolina, Maine, and New Hampshire have gone so far as to pass binding legislation that says they intend to refuse to comply with REAL ID. The National Conference of State Legislatures and the National Governors Association have expressed serious reservations about the costs imposed on the States—and the structure of the poorly drafted grant program in the underlying bill. The Center for Democracy and Technology and the ACLU have expressed serious concerns about the lack of privacy and civil liberties protections within the REAL ID program. The reaction to the unfunded mandates and lack of privacy standards in the REAL ID Act is a good example of what happens when the Federal Government imposes a unilaterally devised and ill-considered mandate rather than working to meet goals through cooperation, bipartisanship, and partnership.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. In addition, the States have already told us that they will not all have their new license programs up and running by the 2013 deadline called for in this bill. On top of that, I have gone through this bill several times, and I have found

money for border fences, money for surveillance technologies, money for border patrol agents, and money for detention facilities, but I cannot find any hard money that actually goes into REAL ID implementation. So doing away with this poorly drafted grant program will not take \$1 away from the \$4.4 billion in enforcement money contained in this bill.

As a result, I do not believe that we should jeopardize the future success of the immigration reforms sought in this bill by tying REAL ID too closely to it. Instead of mandating REAL ID licenses for employment verification, I think we should support the Baucus-Tester-Collins-Leahy amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID. The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I know my friend from South Dakota wishes to speak. I have a unanimous consent request I wish to make that will put us into a situation where he can speak. I understand he wants to speak for 5 minutes. This will only take a minute, and then I will be recognized to do some other business we have to do tonight. It is nothing in relation to immigration. No one need worry about that.

ORDERS FOR THURSDAY, JUNE 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes business today, it stand adjourned until 9:30 a.m., Thursday June 28; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the immigration bill, with an hour for debate only prior to a cloture vote on S. 1639, with the time equally divided and controlled between Senators KENNEDY and SPECTER or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments; and that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the Senator from South Dakota, Mr. THUNE, wishes to be recognized. Is the Senator going to use the full 10 minutes? He is entitled to it.

Mr. THUNE. Mr. President, I shouldn't take that long. I guess maybe 7 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

IMMIGRATION

Mr. THUNE. Mr. President, I thank the majority leader for his indulgence. I appreciate very much the opportunity to speak to the issue before the Senate today.

The debate over immigration has been a contentious one. Soon we are going to come to that moment of truth when we all have the opportunity to cast a vote either for or against the so-called "grand bargain" that is before the Senate. Most of us are going to make that vote formed by our own experiences, formed by our conscience, formed by our constituents, and like so many others in this Chamber, those are all factors that come into play and influence the way that I view this very important and serious issue.

In fact, to speak to some of the experiences I have had, it was not too long ago I was in a supermarket in my home State of South Dakota in Sioux Falls. I was approached by someone who was working there who had asked me to help with a problem. It turns out he was in this country, and his wife had been here illegally. They had a child here. The child, therefore, is a citizen. His wife determined that she wanted to be legal. So she left this country and went back home and decided to come here through a legal mechanism. That was a year ago. For the past year, she has been trying to come back to this country legally. I have been working with her. They have to first get an immigrant waiver and then ultimately go through the process where she can come into this country and come legally.

I make that point because I believe it is very relevant to the debate we are having on the floor of the Senate. If this woman who wanted to do the right thing and decided to go back because she wanted to come into the United States of America legally—she didn't want to be here illegally—had just stayed here, under this bill, she could become legalized. What does that say to all the people such as her who are trying to follow the laws, who are trying to play by the rules we have created?

That is one episode, one example, as I look at this debate and think about the consequences for those who have played by the rules, those who follow our laws, those who observe the rule of law in America, how it forms the way I view this issue.

We have been told throughout this debate that this is the best compromise

that can be achieved and, after all, isn't compromise the essence of what the Senate is all about, is coming to a consensus after a long debate? The difference with this grand bargain is that the die was cast long before the debate began. The process whereby this bill came to the floor bypassed the regular order, and its outcome has been ordained by the grand bargainers to prevent amendments that might actually improve the bill from becoming part of the solution to America's broken immigration system.

Opposing the underlying bill or proposing amendments to improve it has led to labels such as anti-immigrant or nativist or xenophobic. I am none of the above. It is not anti-immigrant to be for the rule of law. It is not nativist to be for enforcing America's laws. And it is not xenophobic to believe that those who come to America should come here legally.

America has a long tradition as a welcoming nation. I am a product of that tradition. In 1906, two Norwegian brothers named Nicolai and Matthew Gjelsvik came to America from Norway. The only English they knew were the words "apple pie" and "coffee," which evidently they learned on the way over.

When they arrived at Ellis Island, the immigration officials determined that their given name would be too difficult to spell and pronounce for people in this country so they asked them to change it. G-j-e-l-s-v-i-k was how they spelled it. They picked the name of the farm where they worked near Bergin, Norway, which was called the Thune Farm. So Nicolai Gjelsvik became Nick Thune, my grandfather.

Then, as now, there was a great demand in America's economy for workers. They went to work on the transcontinental railroad doing hard manual labor. They learned English and made enough to start a small merchandising company which subsequently became a hardware store that to this day bears their name. They came here for the opportunity that America offered—the opportunity to succeed and the opportunity to fail.

Their story has been duplicated millions and millions of times over and continues today. Millions and millions of Americans came here from other places, but they came here legally. I support them and the millions more who are still to come. You see, you can be pro-immigration and pro rule of law. The two are not mutually exclusive. Unfortunately, the bill before the Senate violates that bedrock American distinction of the rule of law. Under this bill, somewhere between 12 and 20 million illegal immigrants will be immediately legalized.

Ironically, it is that very rule of law that serves as a magnet that attracts people to America. The reason America's economy is the most prosperous in the world is its foundation is in the rule of law. Concepts such as legal certainty, private property rights, and an

independent judiciary provide the framework for the most successful economy in the history of civilization. It doesn't happen by happenstance. It happens because the rule of law is an inviolable principle of American democracy.

The solution to America's broken immigration system is really quite simple: Enforce the laws in the workplace and enforce the laws at the border. Sacrificing America's most basic foundational principle in the interest of a short-term fix betrays the belief of the millions who are here legally and the millions more to come that America is different because here the rule of law matters.

President Ronald Reagan once said that a nation that "can't control its own borders can't control its destiny." We are a country, we are a nation. We need the strong border security measures in this bill, and we need the strong workplace verification measures in this bill, but the immediate legalization of 12 million people is a bridge too far.

It contradicts one of the great ideals of our democracy and sends wrong and conflicting signals to those who are here currently and those who will come in the future. The demand for workers in America can be met when those here illegally go back and return through legal channels or when they are replaced by those who wait to come legally. This bill is the wrong solution, and I believe and I hope that the Senate will reject it.

We can get a good immigration bill, a solid immigration bill that secures the border, that deals with the issue of workplace verification, and it sends the right message to those who are waiting to come to America that America is a nation, a welcoming nation, a nation that is pro-immigration, but a nation that fundamentally respects its great tradition as a nation that is based upon the rule of law.

I hope my colleagues, as they consider how they will vote tomorrow on these important votes, will think about the importance of that tradition of the rule of law, the importance of the message we send to those who have observed our laws, such as the lady I mentioned whose husband is in Sioux Falls, SD, and she hopes to come back to our great country and to our State. She made a fundamental decision that she was going to play by the rules, she was going to follow the laws. There are so many like her. What we want to do is send a message that people like her are welcome here, people who follow our laws. We don't want to reward those who come here illegally. I believe on a most basic level that is what the legislation before the Senate does.

I urge my colleagues to vote "no" on these important votes tomorrow.

Mr. President, I yield back the remainder of my time.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrorist attacks of September 11, it is painfully clear that we have a lot of work to do to protect this Nation from further terrorist attacks. The threats are real, they are growing, and when Democrats took control of the Congress at the start of this year, we said we would implement the unanimous recommendation of the bipartisan 9/11 Commission. That matter passed this body by a big vote. That is where we said we should implement into law the 9/11 Commission recommendations. Democrats voted for that, and Republicans voted for it. It was one of the first bills we passed at the start of this session of Congress. The House passed its version of the bill on January 9. The Senate passed our bill on March 13. The House bill was 299 to 128; ours was 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences on these two bills. I myself have spoken to Chairman LIEBERMAN, I don't think it is an exaggeration to say a dozen times. The American people expect us to finish this work quickly, and that is why we believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

When this bill is signed into law, it will make America more secure. It will improve the screening of maritime cargo so that Americans can be assured we are doing all we can to prevent the smuggling of weapons into this country, including nuclear weapons. It will improve the congressional oversight of intelligence to ensure we are building the best capabilities possible to stop terrorist attacks. It will improve information sharing and communications interoperability among first responders so that they can work swiftly to prevent terrorist attacks. It will ensure that transportation and mass-transit structures are hardened against terrorist attacks.

This legislation wasn't something a couple of Senators dreamed up. It was the recommendations of the bipartisan 9/11 Commission, chaired by Governor Kean and cochaired by Congressman Hamilton, a Republican and a Democrat. This is what we are doing. We are long past when we should have done this. We need to do this.

I make the following request, Mr. President: I ask unanimous consent